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09/303,632	05/03/1999	CHERYL B. LEBEAU	D-7102	8616

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EXAMINER

EVANISKO, LESLIE J

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 11/21/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/303,632

Applicant(s)

LEBEAU ET AL.

Examiner

Leslie J. Evanisko

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21-38, 41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-27 and 32-38 is/are rejected.
- 7) ☒ Claim(s) 28-31, 41 and 42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 25 September 2000 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on September 25, 2000 have been approved by the Examiner.
2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Claim Objections***

3. Claims 21-38 and 41-42 are objected to because of the following informalities: With respect to the claims, it is suggested that the term "a keyboard" used throughout the claims (with the exception of the first recitation of the term in each of claims 21, 32, and 41) be deleted and replaced with --the keyboard-- since the term "a keyboard" makes it confusing as to whether applicant is attempting to recite another keyboard other than the one previously recited.

With respect to claims 21 and 32, it is suggested that phrase "a predetermined size in length and width" in line 4 of each claim be deleted since it is a double recitation of the language recited in line 2 of the claims.

Additionally, in line 7 of claim 21 and line 6 of claim 32, note that the term "an

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operator's ability" be deleted and replaced with --the operator's ability-- since the operator was previously recited in the claims. Also, in claim 32, line 1, it appears that term "cover" was inadvertently left out of the claim language.

Appropriate correction and/or clarification is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nopper et al. (US 5,021,638) in view of Richardson (US 5,944,432). Nopper et al. teach an individual transparent cover **28** made of a transparent sheet of pliable plastic film having a predetermined length and width for protecting a keyboard **36** as recited. See Figures 1-2 and columns 3-4 in particular. Although Nopper et al. does not necessarily state that the cover is "disposable" as recited, Nopper et al. does teach that the cover is made of a low-cost material (column 2, lines 13-36) and this implies or at least renders obvious the idea that the cover is disposable. Furthermore note that everything can be broadly considered "disposable" to some extent and Richardson teaches a "package" of disposable covers. Additionally, although

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the cover of Nopper et al. is not necessarily of uniform thickness as recited, Richardson teaches a disposable transparent keyboard cover of uniform thickness as recited. In view of this teaching, it would have been obvious to one of ordinary skill in the art to have a uniform thickness as taught by Richardson in the cover of Nopper et al. to simplify manufacture of the cover.

With respect to claim 21, note Richardson teaches a “package” including plurality of keyboard covers as recited. Furthermore, the broad provision of a providing a plurality of a known object is a well-known expedient. Additionally, the provision of a plurality of individual objects in a package or container is a well-known mechanical expedient, such as, for example, packages of trash bags, packages of sheets of aluminum foil, packages of disposable rubber gloves, etc. Therefore, in view of these teachings, it would have been obvious to one of ordinary skill in the art to provide a package of a plurality of the individual keyboard covers in order to provide a convenient supply of fresh disposable items to a user.

6. Claims 22-23 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nopper et al. in view of Richardson as applied to claims 21 and 32 above, and further in view of Morse (US 4,438,300). Nopper et al. in view of Richardson teach a disposable transparent keyboard cover (or package of covers) as recited with the exception of the cover having strips of adhesive for attachment to the keyboard surface. Morse teach a transparent protective

cover **10** for a keypad including adhesive strips **21** along each side to facilitate attachment of the cover to the push-button array, as shown in Figures 4-5 and taught in column 3, lines 32-38. In view of this teaching, it would have been obvious to use adhesive strips as taught by Morse on the keyboard cover of Nopper et al. in view of Richardson in order to provide better securement of the cover to the keyboard.

7. Claims 24-27 and 35-38 rejected under 35 U.S.C. 103(a) as being unpatentable over Nopper et al. in view of Richardson as applied to claims 21 and 32 above, and further in view of Weill et al. (US 5,931,297). Nopper et al. in view of Richardson teach structure as recited with the exception of the sheet protecting both the entire upper and bottom surfaces of the keyboard.

Although Nopper et al. in view of Richardson do teach a flexible keyboard cover designed as a single sheet including an upper portion **24** and a lower portion **50, 40** that can wrap around the ends of the keyboard to completely enclose it, as shown in Figure 3a and described in column 4, lines 36-56, it appears that the lower portion **50, 40** does not necessarily contact the entire bottom surface as now recited. However, Weill et al. teach a flexible cover **10** for a keyboard including an upper member **17** being adapted to overlies the entire upper surface of the keyboard and a lower member **29** adapted to overlies the entire bottom surface of the keyboard. See Figure 1 and column 4 of Weill et al. In view of this teaching, it would have been obvious to one of ordinary skill in the

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art to make the sheet of Nopper et al. in view of Richardson of a configuration such that an upper member and lower member of the sheet can completely contact and protect the entire upper and bottom surfaces of the keyboard.

With respect to claims 26 and 37, note that the cover of Weill et al. is formed as an envelope including an opening along an elongated top edge portion **18**, as shown in Figure 1.

With respect to claims 27 and 38, note that Weill et al. teach a cover formed as an envelope including an opening to allow the keyboard to be placed inside the cover and furthermore, there is no unobviousness in providing an opening along any edge portion of the cover for ease of entry (such as in a sleeping bag). It appears that the selection of which edge is open to allow insertion of the keyboard involves nothing more than an obvious matter of design choice and can depend upon such factors as whether a user is right-handed or left-handed.

### ***Allowable Subject Matter***

8. Claims 28-31 are objected to for the reasons set forth above as well as for being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the above objections to the satisfaction of the Examiner and in independent form including all of the limitations of the base claim and any intervening claims.

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9. Claims 41-42 are objected to for the reasons set forth above, but would be allowable if rewritten to overcome the above objections to the satisfaction of the Examiner.

10. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or suggest a keyboard cover or package of keyboard covers as recited in combination with, and particularly including, the cover being formed from two identical flat sheets of plastic film fastened together as recited.

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 21-27 and 32-38 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the claim objections with respect to "a keyboard", note that the Examiner believes the claim language is still confusing. Additionally, note that the Examiner believes that if applicant uses "the keyboard" language as suggested, it is still clear that from the context of the claim language that applicant is not intending to recite the keyboard as part of the positively claimed structure.



**Conclusion**

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(703) 308-0786**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John S. Hilten can be reached on (703) 308-0719. The


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fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Leslie J. Evanisko  
Patent Examiner  
Art Unit 2854

le.  
lje  
November 19, 2001



JOHN S. HILTEN  
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